

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION       )  
OF BROKER ONLINE EXCHANGE, LLC FOR    )  
A CERTIFICATE TO PROVIDE ELECTRIC       ) PSC DOCKET NO. 16-0883  
SUPPLY SERVICES WITHIN THE STATE       )  
OF DELAWARE                                )  
(SUBMITTED AUGUST 24, 2016; FILED       )  
OCTOBER 6, 2016)                         )

**ORDER NO. 8967**

**ELECTRIC SUPPLIER CERTIFICATE**

This 18<sup>th</sup> day of October, 2016, the Delaware Public Service Commission (the "Commission") determines and orders the following:

**WHEREAS**, on August 24, 2016, Broker Online Exchange, LLC ("BOE") submitted to the Commission an incomplete application<sup>1</sup> pursuant to 26 Del. C. §1001 - §1020, the Electric Utility Restructuring Act (the "Act"),<sup>2</sup> and 26 Del. Admin. C. §3001, the Commission's Rules for Certification and Regulation of Electric Suppliers (the "Supplier Rules"). This incomplete application requested certification for Broker Online Exchange, LLC to act as a Broker<sup>3</sup> that will utilize appropriate energy procurement strategies to meet the needs of small commercial, large

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<sup>1</sup> Under Section 3001 of the Supplier Rules, applicants must submit certain required documents to complete their application. Broadleaf's original submission failed to include all of the required documents.

<sup>2</sup> Unless otherwise noted, capitalized terms shall have the meanings ascribed to them in the Act and the Supplier Rules.

<sup>3</sup> Pursuant to §1001(3) of the Act, "Broker" is defined as a person or entity that acts as an agent or intermediary in the sale or purchase of, but that does not take title to, electricity for sale to retail electric customers." Although a Broker never takes "title" to any electric supply product, §1001(14)(c) of the Act deems a Broker to be an "Electric Supplier."

commercial and industrial customers in Delaware. This incomplete application was docketed as PSC Docket No. 16-0883; and

**WHEREAS**, over a two-month period of time, the Commission Staff ("Staff") sent to BOE one notice of deficiency and worked with the company in an attempt to correct the deficiencies in the incomplete application; and

**WHEREAS**, on October 6, 2016, BOE submitted all of the required documents and thereby filed a complete application (the "Application") pursuant to the Act and the Supplier Rules; and

**WHEREAS**, as more specifically detailed in its Memorandum to the Commission, Staff reports that the Application fulfills all of the requirements set forth in the Act and the Supplier Rules for an Electric Supplier Certificate to act as a Broker. In particular, Staff reports that BOE has specifically presented substantial evidence to support its financial, operational, managerial, and technical ability to operate as a Broker of Electric Supply Service within the State of Delaware. Therefore, Staff recommends that the Commission issue an Electric Supplier Certificate to authorize BOE to broker sales and customer purchases of Electric Supply Services in the State of Delaware;

**NOW, THEREFORE, IT IS ORDERED BY THE AFFIRMATIVE VOTE  
OF NOT FEWER THAN THREE COMMISSIONERS:**

1. Broker Online Exchange, LLC is hereby granted a certificate to do business and operate as an Electric Supplier (Broker) within the State of Delaware. Under this Electric

Supplier Certificate, Broker Online Exchange, LLC is authorized to broker Electric Supply Service within the State of Delaware consistent with and in accordance with the Act and the Supplier Rules.

2. Broker Online Exchange, LLC is hereby notified that a violation of any applicable order, statute, regulation, rule, or other controlling authority may be enforced by sanctions permitted by §§1012(a) and 1019 of the Act and §3001-10.2 of the Supplier Rules.

3. Broker Online Exchange, LLC shall file such reports and pay such fees and assessments as may be required or imposed by §§114, 115, and 1012(c)(2) of the Act and §§3001-3.9 and 3.10 of the Supplier Rules.

4. Broker Online Exchange, LLC consents to the jurisdiction of the courts of the State of Delaware for all acts or omissions related to its offering of Electric Supply Services in this State.

5. Broker Online Exchange, LLC is hereby placed on notice that the costs of this proceeding will be charged to it pursuant to §114(b)(1) of the Act.

6. The Commission reserves the jurisdiction and authority to enter such further orders in this matter as may be deemed necessary or proper.

**BY ORDER OF THE COMMISSION:**

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Chair

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Commissioner

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Commissioner

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Commissioner

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Commissioner

ATTEST:

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Secretary